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In re Application of ELSTEIN et al	:	
U.S. Application No.: 09/744,148	:	DECISION ON PETITION
Int. Application No.: PCT/IL99/00381	:	
Int. Filing Date: 12 July 1999	:	UNDER 37 CFR 1.137(b)
Priority Date: 20 July 1998	:	
Attorney Docket No.: LLP-007.01 (21379-701)	:	
For: SOLAR BLIND UV VIEWING APPARATUS	:	
AND CAMERA	:	

This is in response to applicant's "Petition for Revival of Abandoned Application Under 37 C.F.R. §1.137(b)" filed 27 February 2002.

### **BACKGROUND**

On 12 July 1999, applicants filed international application PCT/IL99/00381, which claimed priority of an earlier Israel application filed 20 July 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 03 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 11 February 2000, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 22 January 2001 (20 January 2001 was a Saturday).

On 19 January 2001, applicants filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 26 February 2001, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 19 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the present application is abandoned as to the United States for failure to timely respond to the Notification of Missing Requirements within the response period set therein.

On 27 February 2002, applicant filed the present petition. The petition states that it is accompanied by a proper response, the petition fee set forth in 37 CFR 1.17(m), and a statement that abandonment of the application was unintentional.

### DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicant has provided the required reply.

With regard to item (2), applicant has provided the required petition fee.

With regard to item (3), the petition states, "the entire delay in filing the enclosed Reply was unintentional based upon the facts declared in paragraphs 1-10 herein." This statement is interpreted as a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

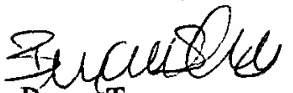
With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

### CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application has an international filing date of 12 July 1999 and a date under 35 U.S.C. 371 of 27 February 2002.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision.

  
Bryan Tung  
PCT Legal Examiner  
PCT Legal Office

Telephone: 703-308-6614  
Facsimile: 703-308-6459